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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/811,218	03/26/2004	Faron Huster	HUSF 8894US	1929

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EXAMINER	
FINDLEY, CHRISTOPHER G	

ART UNIT	PAPER NUMBER
2621	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/811,218	HUSTER, FARON	
	Examiner	Art Unit	
	Christopher Findley	2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-22 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-22 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date 5/17/2004, 3/26/2004.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 4, 6-14, 17, and 19-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Monroe (US 6970183 B1).

Re claim 1, Monroe discloses a system for wildlife activity monitoring in a remote location comprising: a microprocessor (Monroe: Fig. 32, processor 78); an image capture portion operatively connected to the microprocessor that captures an image from a field of view (Monroe: Fig. 32, camera 70); a motion detector attached to the microprocessor that provides a signal to the microprocessor indicating when an animal is detected within the field of view (Monroe: Fig. 32, optional sensors 86; column 25, lines 23-26, the various sensors may include a motion detector; column 6, lines 48-54, unauthorized personnel is detected); a memory operatively connected to the microprocessor for storing images captured by the image capture portion (Monroe: Fig. 32, video memory 72 and storage memory 88); and a communications portion operatively attached to the microprocessor wherein the communications portion

transmits the images to a host computer upon the happening of a triggering event (Monroe: Fig. 32, RF link 92; Fig. 33; column 25, lines 44-51).

Re claim 4, Monroe discloses that the microprocessor, the image capture portion, the motion detector, the memory, and the communications portion are powered exclusively by batteries (Monroe: column 6, lines 28-31, each wireless appliance is fully self-contained with an independent power supply; column 21, lines 43-46, the appliance may be connected to a battery supply).

Re claim 6, Monroe discloses a sensor operatively connected to the microprocessor for measuring a parameter of weather at the location of the sensor (Monroe: Fig. 32, optional sensors 86; column 25, lines 23-26).

Re claim 7, Monroe discloses that the sensor is a thermometer (Monroe: column 25, lines 23-26, temperature detector).

Re claim 8, Monroe discloses a global positioning sensor operatively connected to the microprocessor for indicating global position coordinates (Monroe: Fig. 32, geo location 94 for transmitting GPS information).

Re claim 9, Monroe discloses that the motion detector is an infrared detector (Monroe: column 29, lines 5-11).

Re claim 10, Monroe discloses that the motion detector is a radio frequency detector utilizing the Doppler effect (Monroe: column 29, lines 5-11, an ultrasonic detector may be used for motion detection).

Claim 11 recites the corresponding method to be implemented by the system of claim 1, and, therefore, has been analyzed and rejected with respect to claim 1 above.

Re claim 12, Monroe discloses that the step of the storing the images within the camera further comprises the step of storing the images within a memory within the camera (Monroe: Fig. 32, the monitor device contains both a video memory 72 and a storage memory 88).

Re claim 13, Monroe discloses auto-deleting the image from the memory after the step of automatically electronically transmitting the stored images (Monroe: Fig. 32, video memory 72; column 25, lines 14-15, video memory 72 is a temporary storage element).

Re claim 14, Monroe discloses recording an item of information selected from the group consisting of: location data (Monroe: Fig. 32, geo location 94), weather data (Monroe: Fig. 32, optional sensors 86; column 25, lines 23-26), time data (Monroe: column 5, lines 57-62) or any combination thereof.

Claim 17 has been analyzed and rejected with respect to claim 4 above.

Re claim 19, Monroe discloses detecting a temperature of the remote location (Monroe: column 25, lines 23-26, temperature detector); and automatically electronically transmitting the detected temperature (Monroe: column 15, lines 53-56).

Re claim 20, Monroe discloses detecting the global position coordinates of the camera (Monroe: column 4, lines 53-56); and automatically electronically transmitting the detected coordinates (Monroe: column 15, lines 53-56).

Claim 21 has been analyzed and rejected with respect to claim 9 above.

Claim 22 has been analyzed and rejected with respect to claim 10 above.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-3, 5, 15-16, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monroe (US 6970183 B1) in view of Carter (US 20060241874 A1).

Re claim 2, Monroe discloses a majority of the features of claim 2, as discussed above in claim 1, and additionally that the triggering event is selected from the group consisting of: passing of a predetermined time of day (Monroe: column 15, lines 53-56), passing of a predetermined length of time from a previous triggering event (Monroe: column 15, lines 53-56, polling), a command received from a remote location to transmit the contents of the memory (Monroe: column 5, lines 46-50, panic buttons), the cessation of an indication from the detector that motion is present (Monroe: column 5, lines 51-57, "after the fact" indicates reconstruction of the alarm event after the alarm event has ceased), an initiation of an indication from the detector that motion is present (Monroe: column 33, lines 24-53), or any combination thereof, but Monroe does not specifically disclose that the group of triggering events includes the memory filling to its

capacity. However, Carter discloses a monitoring system, wherein when the memory at a remote monitoring location is filled to a certain level, the system requires the data to be transmitted to a central location server (Carter: paragraph [0112]). Since both Monroe and Carter relate to systems for remote location monitoring, one of ordinary skill in the art at the time of the invention would have found it obvious to combine the memory management of Carter with the surveillance and monitoring system of Monroe in order to provide for regular, real time analysis of conditions at a remote monitoring location (Carter: paragraph [0006]). The combined system of Monroe and Carter has all of the features of claim 2.

Re claim 3, arguments analogous to those presented in claim 2 are applicable to claim 3, and, therefore, claim 3 has been analyzed and rejected with respect to claim 2 above.

Re claim 5, Monroe discloses a majority of the features of claim 5, as discussed above in claim 1, and additionally that the microprocessor, the image capture portion, the motion detector, the memory, and the communications portion are powered exclusively by batteries, but does not specifically disclose that the microprocessor, the image capture portion, the motion detector, the memory, and the communications portion are powered exclusively by batteries are also powered by solar power. However, Carter discloses a monitoring system, wherein the remote monitoring devices may be powered by solar power as well as battery power (Carter: Fig. 2, element 47; paragraph [0102]). Since both Monroe and Carter relate to systems for remote location monitoring, one of ordinary skill in the art at the time of the invention would have found it

obvious to combine the power source of Carter with the surveillance and monitoring system of Monroe in order to provide a more fully self-contained remote monitor device (Monroe: column 6, lines 28-31), which is capable of recharging the battery power supply by use of solar energy. The combined system of Monroe and Carter has all of the features of claim 5.

Claim 15 has been analyzed and rejected with respect to claim 2 above.

Claim 16 has been analyzed and rejected with respect to claim 3 above.

Claim 18 has been analyzed and rejected with respect to claim 5 above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

a. Non-intrusive sensor and method

Hage (US 20040135885 A1)

b. Distributed video data base with remote searching for image data features

Nunally et al. (US 5917958 A)

c. Multipurpose wireless video alarm device and system

Robinson (US 6433683 B1)

d. Network surveillance unit

Higashimura et al. (US 6747554 B1)

e. Method and protocol for real time security system

Richman et al. (US 20030206100 A1)

f. SYSTEM FOR CONTROLLING ELECTRICALLY-POWERED DEVICES IN AN ELECTRICAL NETWORK

Petite et al. (US 20070208521 A1)

g. Solar powered monitor

Allen (US 20020070703 A1)

h. Monitoring system and method

Crane et al. (US 7002481 B1)

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Findley whose telephone number is (571) 270-1199. The examiner can normally be reached on Monday-Friday 7:30am-5pm, Alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold, can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Findley/

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